#### ORDINANCE NUMBER XX-XX

# AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE

This is a Planned Unit Development District Ordinance (the "Ordinance") for the Springwater PUD District, to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Petition No. \_\_\_\_-PUD-\_\_\_), requesting an amendment to the Unified Development Ordinance and the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded Petition No. \_\_\_-PUD-\_\_ to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a \_\_\_\_\_\_ recommendation (\_-) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on \_\_\_\_\_\_\_, 2021;

WHEREAS, the Common Council is subject to the provision of the Indiana Code § 36-7-4-1507

WHEREAS, the Common Council is subject to the provision of the Indiana Code § 36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Unified Development Ordinance and Zoning Map are hereby amended as follows:

### Section 1. Applicability of Ordinance.

- 1.1 The Unified Development Ordinance and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as "Springwater PUD District" (the "District").
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the provisions of the Unified Development Ordinance (the "UDO"), as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.

- 1.3 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.
- 1.4 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.
- **Section 2.** Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.
- **Section 3. Concept Plan.** The Concept Plan, attached hereto as **Exhibit B**, is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan. The Real Estate shall be developed in compliance with Article 10.9(F) Planned Unit Development Districts; PUD District Ordinance Requirements.
- **Section 4. Underlying Zoning District.** The Underlying Zoning District shall be SFA: Single-family Attached District.

#### Section 5. Permitted Uses.

- 5.1 All Special Exception Uses and Prohibited Uses shall be prohibited.
- 5.2 The following additional uses shall be permitted in the District:
  - A. Dwelling, Townhouse
  - B. Dwelling, Single Family
  - C. Development Amenities
- 5.3 Maximum Dwellings. The total number of Dwellings permitted in the District shall not exceed one-hundred and thirteen (113).
- <u>General Regulations.</u> The standards of Chapter 4: Zoning Districts, as applicable to the Underlying Zoning District, shall apply to the development of the District except as modified below:
  - 6.1 Maximum Project Size Within District (Article 4.9G): Shall not apply.
  - 6.2 Articles 4.9(C, D, H-L) shall not apply; rather, the following standards shall apply to the Real Estate:

Standard	Townhouses	Single Family - Alley	Single Family - Front
	No Minimum (No		
Minimum Lot Area (C)	Change)	4,800 SF	6,800 SF
Minimum Lot Width	No Minimum	47'	62'
	No minimum, however,	No minimum, however,	
	all lots shall have	all lots shall have	No minimum, however,
	vehicular access to a	vehicular access to a	all lots shall have
   Minimum Lot Frontage	street (via, public	street (via, public	vehicular access to a
Willimum Lot Frontage	street, private street,	street, private street,	street (via, public street,
	alley, or a shared	alley, or a shared	private street, alley, or a
	ingress/egress	ingress/egress	shared ingress/egress
	easement)	easement)	easement)
Minimum Building Setbacks			
Front Yard (4.9H1)	N/A	10'	20′
Side Yard	N/A	5'/10'	5'/10'
Building Separation	15'	10'	10'
Rear Yard	N/A	20'	30'
Project Perimeter Setback			
(4.9J)	Shall Not Apply	Shall Not Apply	Shall Not Apply
Front Setback Stagger			
(4.9.H.2)	Shall Not Apply	Shall Not Apply	Shall Not Apply
Minimum Building Height	N/A	N/A	N/A
Maximum Building Height	40′	35′	35′
Minimum Living Area	1,600 SF	1,600 SF	1,600 SF

- **Section 7. Overlay Districts.** The standards of Chapter 5: Overlay Districts, including the US Highway 31 Overlay District, shall not apply to the development of the District.
- **Section 8. Development Standards.** The standards of Chapter 6: Development Standards shall apply to the development of the District except as otherwise modified below.
  - 8.1 Article 6.3 Architectural Standards: Shall apply; except as modified below:
    - A. Character Exhibit: The "Character Exhibit", attached hereto as **Exhibit C**, is hereby incorporated to capture the intended architecture of townhouses to be constructed. It is not the intent to limit the architecture shown in the Character Exhibit, but to establish a benchmark for quality, vision, and appearance of architecture within the development. The Department shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Ordinance. The Department's decision may be appealed to the Plan Commission.
    - B. <u>Streetscape Diversity (Article 6.3(C)(2):</u> Shall Not Apply.

- C. <u>Building Material (Article 6.3(C)(3):</u> Shall apply, however, vinyl and aluminum siding shall not be permitted exterior building material, except gutters, soffits, soffit trim, and other similar building components.
- D. Garage in the SFA District (Article 6.3(C)(4): All Dwelling Units shall have a minimum two car attached garage except that a detached two car garage shall be allowed for single family homes with rear loaded garages accessed by an alley.
- 8.2 <u>Article 6.8 Landscaping Standards</u>: Shall apply, except as modified below.
  - A. <u>Street Trees (Article 6.8 (J):</u> Shall apply, unless otherwise approved by the Director or Department of Public Works, except the following:
    - 1. Street trees are not required along Union Street:
    - 2. Street tree spacing may be increased to a maximum of 200' along streets with Single Family Cottage frontage: and
    - 3. Street trees are not required on alleys or private streets with Townhouse Dwelling frontage.
  - B. <u>Foundation Plantings (Article 6.8 (L)(1):</u> Shall not apply.
  - C. External Street Frontage Landscaping Requirements (Article 6.8(M): Shall not apply.
  - D. <u>Buffer yard Requirements (Article) 6.8 (N):</u> Shall not apply.
- 8.3 <u>Vision Clearance (Article 6.19 (A)(1) and (4):</u> Ten (10) feet from intersections of Collectors, Private, or Local Streets.
- Section 9. Infrastructure Standards. The District's infrastructure shall comply with the Unified Development Ordinance and the City's Construction Standards (see Chapter 7: Subdivision Regulations), unless otherwise approved by the Department of Public Works.
- **Section 10. Design Standards.** The standards of Chapter 8: Design Standards shall apply to the development of the Real Estate, except as otherwise modified below:
  - 10.1 Article 8.6 Open Space and Amenity Standards: Shall not apply.
  - 10.2 Article 8.7C2 Sidewalks shall be required on both sides of internal Streets and internal Private Streets in all developments, except the following:
    - 1. Sidewalks are not required on private streets on rear of townhomes:
    - 2. Sidewalk shall not be required along the road frontage of the cemetery:
  - 10.3 Article 8.9 Street and Right-of-Way Standards: The District shall comply with the requirements of the Thoroughfare Plan unless otherwise agreed to by the Department of Public Works.

- **Section 11. Severability Clause.** If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.
- Section 12. Sunset Clause. To the extent the provisions of this subsection are not in conflict with Indiana Code 36-4-7-4-1109, this Ordinance shall be subject to review and approval by the City Council on January 1<sup>st</sup> of the 6<sup>th</sup> full calendar year following the approval of this Ordinance, if at least one (1) Improvement Location Permit within the District has not been issued.

[Remainder of page intentionally left blank, signature page follows]

, LLL 01 WILLOUIS OND, WILLD   WILL D   WILL D	ALL OF WHICH IS ORDAINED/RESOLVED THIS	DAY OF	, 2021
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## **WESTFIELD CITY COUNCIL**

Voting For	Voting Against	<u>Abstain</u>
Scott Willis	 Scott Willis	Scott Willis
 Jake Gilbert	 Jake Gilbert	Jake Gilbert
James J. Edwards	James J. Edwards	James J. Edwards
Scott Frei	Scott Frei	Scott Frei
Mike Johns	Mike Johns	Mike Johns
Troy Patton	Troy Patton	Troy Patton
Cindy L. Spolijaric	Cindy L. Spolijaric	Cindy L. Spolijaric
ATTEST:		
Cit Count Class		

Cindy Gossard, Clerk Treasurer

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Neil Goradia

	was delivered to the Mayor of Westfield on the
day	
of, 2021, at	m.
Cindy Gossard, Clerk Treasurer	
I hereby APPROVE <b>ORDINANCE XX-XX</b>	I hereby VETO <b>ORDINANCE XX-XX</b>
Thisday of, 2021	Thisday of, 2021
J. Andrew Cook. Mayor	J. Andrew Cook. Mayor

This document prepared by: Neil Goradia

Apollo Developers LLC 12941 Coyote Run Fishers, IN 46038

# **SCHEDULE OF EXHIBITS**

Exhibit A Real Estate (Legal Description and Location Map)

Exhibit B Concept Plan

Exhibit C Character Exhibit